GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2637
ANSWERED ON:02.08.2016
Prisoners and Undertrials in Jails
Adhikari Shri Sisir Kumar;Choubey Shri Ashwini Kumar;Girri Shri Maheish;Reddy Shri Konda Vishweshwar;Udasi Shri Shivkumar Chanabasappa

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the total number of prisoners and undertrials languishing in various jails separately in the country gender and State-wise;

(b) whether the Government has taken any action to ensure speedy trial/justice or conditional release of such prisoners/ Undertrials and if so, the details thereof;

(c) whether the Government has conducted any study to identify the reasons for slow trial of undertrials, if so, the details and outcome of such study during the last three years and the current year;

(d) whether the Government has any proposal to restrict the flow of undertrials by bringing certain changes in the laws, if so, the details thereof and if not, the reasons therefor; and

(e) the other measures taken by the Government for speedy disposal of pending cases and release of undertrials in view of the increasing number of prisoners languishing in jails due to delay in judicial process?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)

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(a) As per data compiled by the National Crime Records Bureau (NCRB) at the end of 2014, there were 1,31,517 convicts and 2,82,879 undertrial inmates in the jails of the country. A State/UT wise genderwise statement of inmates lodged in the jails of the country at the end of 2014 is at Annexure-I.
(b) to (e) Since "Prisons" is a State subject as per entry 4 of List II of the Seventh Schedule to the Constitution of India, the administration and management of prisons is primarily the responsibility of the State Governments. Hon'ble Supreme Court, in the matter of Suo Moto W.P. (Civil) No. 406 of 2013 titled Re: Inhuman Conditions prevailing in 1382 prisons in India, has passed certain directions in respect of undertrial prisoners and their living conditions in jails. The States/UTs have been asked to take necessary action on the directions of the Hon'ble Supreme Court.
In order to take up the issue of undertrial prisoners, the following measures have been taken by the Government:
(i) A letter has been sent to all States/UTs on 14.8.2015 for taking necessary action for including the Secretary of the District Legal Services Authority as one of the members of the Under Trial Review committee.
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(ii) An Advisory has been issued by the Government of India on 17.1.2013 to States/UTs regarding use of section 436A of the Cr.P.C to reduce overcrowding of prisons. The same can also be accessed on the website of Ministry of Home Affairs at the link:
http://mha1.nic.in/PrisonReforms/pdf/AdvSec436APrisons-060213_0.pdf
(iii) The Union Home Minister has written to Chief Ministers/LG of States/UT on 3.9.2014 regarding use of section 436A of Cr. P.C. to reduce overcrowding in jails of the country.
(iv) The Hon'ble Supreme Court in its order dated 5.9.2014 in the Writ Petition No. 310/2005 − Bhim Singh Vs Union of India & Other relating to the undertrial prisoners, has directed for effective implementation of Section 436A of the Code of Criminal Procedure. The DG (Prisons)/IG (Prisons) of all States/UTs have been requested on 22.9.2014 to take necessary action to comply with the order of the Hon'ble Supreme Court in the matter.
(v) An Advisory dated 27.9.2014 has been issued by the Government of India to the States/UTs on reckoning half-life of time spent in judicial custody of Undertrial prisoners under Section 436A of Cr. P. C. The same

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can also be accessed on the website of Ministry of Home Affairs at the link:
http://mha1.nic.in/PrisonReforms/pdf/GuidelinesForRreckoningHalfLife_161014. pdf
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